

MINUTES OF THE REGULAR CITY COUNCIL MEETING
CITY OF BEE CAVE
August 27, 2013

STATE OF TEXAS §

COUNTY OF TRAVIS §

Present:

Caroline Murphy, Mayor
Zelda Auslander, Council Member
Steve Braasch, Mayor Pro Tem
Michelle Bliss, Council Member
Kara King, Council Member
Paul Kline, Council Member

City Staff:

Frank Salvato, City Manager
Travis Askey, Assistant City Manager
Patty Akers, City Attorney
Kaylynn Holloway, City Secretary
Russell Pancoast, Police Chief
Katie Griffin, Director of Finance
Giancarlo Patino, City Engineer
Barbara Hathaway, Library Director
David Theriault, Systems Analyst
Amy Kelley, Chief Information Officer

Call to Order and Announce a Quorum is Present

With a quorum present, the regular meeting of the Bee Cave City Council was called to order by Mayor Murphy at 6:00 p.m. on Tuesday, August 27, 2013 in the Council Chambers of the City of Bee Cave City Hall, 4000 Galleria Parkway, Bee Cave, Texas.

Pledge of Allegiance

Citizen Comments

John Colman, 5201 Great Divide, stated that he attended the Planning and Zoning Commission meeting and was surprised to see a city staff member make the presentation for the Covert applicant. He stated that he was concerned about this practice because the applicant should have been responsible for all aspects of his application.

Adrian Overstreet, Managing Member of the Hill Country Galleria, invited everyone to the Saturday night concert series in the Galleria.

Consent Agenda

- A. Consider approval of minutes of the Regular Session conducted on August 13, 2013.
- B. Consider approval of minutes of the Special Session conducted on August 15, 2013.
- C. Consider approval of the monthly financial and investment reports.

MOTION: A motion was made by Council Member Auslander, seconded by Council Member Bliss, to approve the consent agenda.

The vote was taken on the motion with the following result:

Voting Aye: Mayor Murphy, Mayor Pro Tem Braasch, Council Members Auslander, Bliss, King and Kline
Voting Nay: None
Absent: None

The motion carried.

Public hearing, discussion and possible action on Ordinance No. 157, an ordinance of the City of Bee Cave adopting an Annual Budget for Fiscal Year 2013-2014.

Mayor Murphy called the public hearing to order at 6:06 p.m.

With no person wishing to give public testimony on this item, the public hearing was closed at 6:06 p.m.

City Manager Frank Salvato presented this item and explained changes to the budget.

The City Council discussed funding the new detective position and agreed that this position should be included in the budget. The library expenditures will also be included.

Carroll Killebrew, 5410 Great Divide, asked a question about the capital improvement project fund.

MOTION: A motion was made by Council Member Bliss, seconded by Council Member Auslander, to approve Ordinance No. 157 adopting an annual budget for fiscal year 2013-2014.

The vote was taken on the motion with the following result:

Voting Aye: Mayor Murphy, Mayor Pro Tem Braasch, Council Members Auslander, Bliss, King and Kline
Voting Nay: None
Absent: None

The motion carried.

Public hearing, discussion and possible action on Ordinance No. 158, an ordinance of the City of Bee Cave approving the Certified Appraisal Roll for the City and adopting an Ad Valorem Tax Rate for Debt Service for the Fiscal Year 2013-2014.

Mayor Murphy called the public hearing to order at 6:25 p.m.

With no person wishing to give public testimony on this item, the public hearing was closed at 6:25 p.m.

Mr. Salvato presented this item.

MOTION: A motion was made by Council Member Auslander, seconded by Council Member Bliss, that the property tax rate be increased by the adoption of a tax rate of \$.02 per \$100 valuation, which is effectively a .0012% increase in the tax rate and also to adopt Ordinance No. 158 approving the Certified Roll and setting the ad valorem tax rate at \$.02/\$100 valuation.

The vote was taken on the motion with the following result:

Voting Aye:	Mayor Murphy, Mayor Pro Tem Braasch, Council Members Auslander, Bliss, King and Kline
Voting Nay:	None
Absent:	None

The motion carried.

Discuss and consider action on Ordinance No. 159, an ordinance adopting a budget for FY 2013-2014 for the Economic Development Corporation.

MOTION: A motion was made by Mayor Murphy, seconded by Council Member King, to approve Ordinance No. 159 adopting a budget for FY 2013-2014 for the Economic Development Corporation.

The vote was taken on the motion with the following result:

Voting Aye:	Mayor Murphy, Mayor Pro Tem Braasch, Council Members Auslander, Bliss, King and Kline
Voting Nay:	None
Absent:	None

The motion carried.

Discuss and consider action on change orders for the repair of the manufactured stone on City Hall.

Mr. Salvato reported that Council approved Gallagher's and Downing Ferguson Peeples proposals on March 26, 2013. Gallagher's fee for Construction-Manager Agent services is \$16,400. Downing Ferguson Peeples fee for architectural services is in the amount not to exceed of \$37,310.

Gallagher negotiated change orders with the contractors that performed the work last summer. The total of the change orders is \$172,443.00. Printing, close-out documents and contingency are estimated to add another \$35,000. The total for Council consideration is \$207,443.

If approved, the project will begin sometime early next year. Materials will be stored off-site.

MOTION: A motion was made by Council Member King, seconded by Council Member Bliss, to approve change orders in the amount of \$207,443 for the repair of the manufactured stone on City Hall

The vote was taken on the motion with the following result:

Voting Aye:	Mayor Murphy, Mayor Pro Tem Braasch, Council Members Auslander, Bliss, King and Kline
Voting Nay:	None
Absent:	None

The motion carried.

Discuss and consider action on bids received for the 2013 street improvements and award of contract.

Mr. Salvato reported that 3 bids were received for the street improvements to Juniper Trace and the seal coating of the Police Department parking lot. LNV Engineers reviewed the bids and verified that Ramming Paving, LLC is the lowest bidder.

Council Member Bliss expressed concern over Ramming sub-contracting the work. She also asked questions about the 3 coat fog seal.

MOTION: A motion was made by Council Member Bliss, seconded by Council Member Auslander, to approve the award of a contract to Ramming Construction in the amount of \$83,288.00

The vote was taken on the motion with the following result:

Voting Aye: Mayor Murphy, Mayor Pro Tem Braasch, Council Members Auslander, Bliss, King and Kline
Voting Nay: None
Absent: None

The motion carried.

Discuss and consider action on bids received for the purchase and installation of a generator at the Police Department including award of contract.

Mr. Salvato reported that four bids were received. Sam Hammer, Senior Engineer for Tom Green & Co. reviewed the bids. He advised that Merrigan Electric's bid is complete according to the specifications.

Police Chief Russell Pancoast reported that there has been a miscalculation on the size of the propane tank that is needed. They specified a 250 gallon propane tank because it required 250 gallons to run for the period of time needed, however; a 250 gallon tank only holds 200 gallons of propane so the City needs a larger tank.

Mayor Pro Tem Braasch recommended that the tank be bid separately and engage them for longer than one year. He also suggested that the tank be buried.

MOTION: A motion was made by Mayor Pro Tem Braasch, seconded by Council Member Bliss, to postpone this item until the next meeting.

The vote was taken on the motion with the following result:

Voting Aye: Mayor Murphy, Mayor Pro Tem Braasch, Council Members Auslander, Bliss, King and Kline
Voting Nay: None
Absent: None

The motion carried.

Discuss and consider action on House Bill 2414 relating to the use of remote conferencing by members of the City Council.

Mr. Salvato reported that House Bill 2414 would amend Chapter 551 of the Government Code regarding open meetings to authorize a member of a governmental body to participate remotely in a meeting by videoconference call and to authorize a governmental body to hold a meeting by videoconference call. The bill would require that a meeting of a governmental body held by videoconference call: provide at least one suitable physical space located in or within a reasonable distance of the geographic jurisdiction, if any, for members of the public to participate in the meeting that is equipped with videoconference equipment, including an audio and video display, camera and microphone; and have present at the physical location the

member of the governmental body who is presiding over the meeting. The notice of the meeting to be held by videoconference must specify the physical location made available for public participation.

Staff is requesting a Council decision on whether or not videoconferencing should be allowed and whether the Council member videoconferencing counts as attending the meeting according to the Charter provisions.

The City Council discussed this item and asked numerous questions about the bill and how this would affect holding an executive session.

City Attorney Patty Akers stated that executive sessions are not allowed and the council could lose a quorum.

Mr. Colman commented that he thought videoconferencing was a bad idea on many levels. One being that the audio/visual equipment is already strained at city hall and this would add to the City's operating expense. And, in addition, the council would suffer with the loss of community interaction.

Mr. Killebrew commented that he disagreed with Mr. Colman and that he thought electronic communication improved meetings.

No action was taken on this item.

Discuss and consider action on a contract with pro-forma architecture, inc. for architectural design services for the Library and City Hall.

Mr. Salvato stated that pro-forma architecture has submitted a scope of work and fee. The City Attorney is drafting a contract.

MOTION: A motion was made by Council Member Auslander, seconded by Council Member Kling, to authorize staff to finalize the contract and authorize the Mayor to execute the contract with pro-forma architecture, inc. in an amount not to exceed \$58,640 plus reimbursable expenses in an amount not to exceed \$6,600.

The vote was taken on the motion with the following result:

Voting Aye:	Mayor Murphy, Mayor Pro Tem Braasch, Council Members Auslander, Bliss, King and Kline
Voting Nay:	None
Absent:	None

The motion carried.

Discuss and consider action to authorize the City Manager to contract with other non-exclusive companies for inspection/plan review services.

MOTION: A motion was made by Mayor Murphy, seconded by Council Member Braasch, to authorize the City Manager to contract with other non-exclusive companies for inspection/plan review services.

The vote was taken on the motion with the following result:

Voting Aye:	Mayor Murphy, Mayor Pro Tem Braasch, Council Members Auslander, Bliss, King and Kline
Voting Nay:	None
Absent:	None

The motion carried.

Executive Session:

The City Council closed the Open Session at 8:40 p.m. to convene in Executive Session in the Conference Room.

At this point in the meeting, Mayor Murphy publicly announced that a closed, executive session would be held and identified the sections of the Open Meeting Law under which the meeting would be held.

Executive session in accordance with the Texas Government Code, Section 551.072 – Deliberation regarding Real Property; and Section 551.071 – Consultation with Attorney in which the Attorney has a duty to the City under the Texas Disciplinary Rules of Professional Conduct that clearly conflicts with the provisions of the Open Meetings Law.

- A. Consultation with Attorney regarding Groundwater District litigation with Texas Commission on Environmental Quality.
- B. Discussion regarding possible acquisition of land for municipal purposes.
- C. Discuss with City Attorney legal authority of city to regulate businesses in the ETJ and City Limits.
- D. Discuss legal authority of city to grant or deny permits associated with proposed Covert auto dealership.

Council Members Auslander left the meeting at 8:40 p.m.

Council Member Auslander returned to the meeting at 8:55 p.m. for the discussion of item D and left the meeting at 9:50 p.m.

Council Member King left the meeting at 9:50 p.m.

Mayor Pro Tem Braasch and Council Member Kline presented a potential conflict of interest and were not present during the discussion of Item D.

Mayor Pro Tem Braasch and Council Member Kline returned to the executive session at 9:50 p.m.

The City Council closed the Executive Session at 10:19 p.m. and reconvened in Regular Session in the Council Chambers.

No action was taken on the above items.

Adjournment

MOTION: A motion was made by Council Member Bliss, seconded by Mayor Pro Tem Braasch, to adjourn.

The vote was taken on the motion with the following result:

Voting Aye:	Mayor Murphy, Mayor Pro Tem Braasch, Council Members Bliss and Kline
Voting Nay:	None
Absent:	Council Members Auslander and King

The motion carried.

The City Council adjourned the meeting at 10:20 p.m.

PASSED AND APPROVED THIS _____ DAY OF _____, 2013.

Caroline Murphy, Mayor

ATTEST:

Kaylynn Holloway, City Secretary